

# EXHIBIT A

STAYED,CLOSED,APPEAL,ECF,PATENT-PILOT,RELATED  
**U.S. District Court**  
**Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:20-cv-00200-JSR**

Carnegie Institution of Washington et al v. Mahendra Brothers  
Exports Private Limited et al  
Assigned to: Judge Jed S. Rakoff  
Related Case: 1:20-cv-00189-JSR  
Case in other court: U.S. Court of Appeals, Federal Circuit,  
21-02249  
U.S.C.A. Federal Circ., 21-02315  
Cause: 35:271 Patent Infringement

**Plaintiff**

**Carnegie Institution of Washington**

represented by **Amy Simpson**  
Perkins Coie LLP  
11452 El Camino Real  
Suite 300  
San Diego, CA 92130  
858-720-5702  
Email: [asimpson@perkinscoie.com](mailto:asimpson@perkinscoie.com)  
*TERMINATED: 09/20/2023*

**April Elizabeth Isaacson**  
Kilpatrick Townsend & Stockton LLP  
2 Embarcadero Center  
Suite 1900  
San Francisco, CA 94111  
415-273-8306  
Email: [aisaacson@kilpatricktownsend.com](mailto:aisaacson@kilpatricktownsend.com)  
*ATTORNEY TO BE NOTICED*

**Gianfranco Finizio**  
Kilpatrick Townsend & Stockton LLP  
The Grace Building  
1114 Avenue of the Americas  
New York, NY 10036  
212-775-8840  
Email: [gfinizio@kilpatricktownsend.com](mailto:gfinizio@kilpatricktownsend.com)  
*ATTORNEY TO BE NOTICED*

**Kevin Patariu**  
Perkins Coie LLP  
11988 El Camino Real  
San Diego, CA 92130  
(858)-720-5726  
Fax: (858)-720-5826  
Email: [kpatariu@perkinscoie.com](mailto:kpatariu@perkinscoie.com)  
*TERMINATED: 09/20/2023*

**Matthew Joseph Moffa**  
Perkins Coie LLP  
1155 Avenue of the Americas  
22nd Floor  
New York, NY 10036  
212-261-6857  
Fax: 212-399-8057  
Email: [mmoffa@perkinscoie.com](mailto:mmoffa@perkinscoie.com)  
*TERMINATED: 09/20/2023*

**Michael Chajon**

Perkins Coie LLP  
700 Thirteenth, N.W.  
Ste 800  
Washington, DC 20005  
202-654-3316  
Email: [mchajon@uspto.gov](mailto:mchajon@uspto.gov)  
*TERMINATED: 09/20/2023*

**Michelle M (Umberger) Kemp**  
Perkins Coie LLP  
33 East Main Street  
Ste 201  
Madison, WI 53703  
608-663-7466  
Fax: 608-663-7499  
Email: [mumberger@perkinscoie.com](mailto:mumberger@perkinscoie.com)  
*TERMINATED: 09/20/2023*

**Sarah E Fowler**  
Perkins Coie, LLP  
3150 Porter Dr  
Palo Alto, CA 94304  
650-838-4489  
Email: [sfowler@perkinscoie.com](mailto:sfowler@perkinscoie.com)  
*TERMINATED: 09/20/2023*

**Terrence Wikberg**  
Perkins Coie LLP  
700 Thirteenth Street, NW  
Ste 600  
Washington, DC 20005  
202-654-6201  
Email: [twikberg@perkinscoie.com](mailto:twikberg@perkinscoie.com)  
*TERMINATED: 09/20/2023*

**Plaintiff**

**M7D Corporation**

represented by **Amy Simpson**  
(See above for address)  
*TERMINATED: 09/20/2023*

**Kevin Patariu**  
(See above for address)  
*TERMINATED: 09/20/2023*

**Matthew Joseph Moffa**  
(See above for address)  
*TERMINATED: 09/20/2023*

**Michael Chajon**  
(See above for address)  
*TERMINATED: 09/20/2023*

**Michelle M (Umberger) Kemp**  
(See above for address)  
*TERMINATED: 09/20/2023*

**Sarah E Fowler**  
(See above for address)  
*TERMINATED: 09/20/2023*

**Terrence Wikberg**  
(See above for address)  
*TERMINATED: 09/20/2023*

V.

**Defendant**

**Mahendra Brothers Exports Private Limited**

*TERMINATED: 03/06/2020*

*doing business as*

Mahendra Brothers

*TERMINATED: 03/06/2020*

**Defendant**

**Fenix Diamonds LLC**

represented by **Daniel Philip Waxman**  
Bryan Cave Leighton Paisner LLP  
1290 Avenue of Americas  
New York, NY 10104  
(212)–541–2040  
Fax: (212)–541–1339  
Email: [dpwaxman@bclplaw.com](mailto:dpwaxman@bclplaw.com)  
*TERMINATED: 09/21/2023*  
*LEAD ATTORNEY*

**Steven Howard Sklar**  
Leydig, Voit & Mayer, Ltd.  
180 N. Stetson Ave.  
Suite 4900  
Chicago, IL 60601  
312–616–5600  
Email: [ssklar@leydig.com](mailto:ssklar@leydig.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Anne Elise Li**  
Crowell & Moring LLP (NYC)  
590 Madison Avenue  
New York, NY 10022  
(212)–895–4279  
Fax: (212)–223–4134  
Email: [ali@crowell.com](mailto:ali@crowell.com)  
*ATTORNEY TO BE NOTICED*

**David M Airan**  
Leydig, Voit & Mayer, Ltd.  
Two Prudential Plaza, Ste 4900  
180 North Stetson  
Chicago, IL 60601–6780  
312–616–5600  
Email: [dairan@leydig.com](mailto:dairan@leydig.com)  
*ATTORNEY TO BE NOTICED*

**Laura Lydigsen**  
Crowell & Moring LLP  
455 N. Cityfront Plaza Dr.  
Ste 3600  
Chicago, IL 60611  
312–321–4200  
Email: [llydigsen@crowell.com](mailto:llydigsen@crowell.com)  
*ATTORNEY TO BE NOTICED*

**Mark Remus**  
Crowell & Moring LLP  
455 N. Cityfront Plaza Dr.  
Ste 3600  
Chicago, IL 60611

312-321-4200  
Email: [mremus@crowell.com](mailto:mremus@crowell.com)  
*ATTORNEY TO BE NOTICED*

**Maxwell Snow**  
Leydig Voit & Mayer Ltd  
180 North Stetson  
Suite 4900  
Chicago, IL 60601  
312-616-5722  
Fax: 312-616-5700  
Email: [msnow@consolidated.legal](mailto:msnow@consolidated.legal)  
*ATTORNEY TO BE NOTICED*

**Nicole E. Kopinski**  
Leydig, Voit & Mayer, Ltd.  
Two Prudential Plaza  
180 North Stetson Avenue  
Suite 4900  
Chicago, IL 60601  
312-616-5624  
Fax: 312-616-5700  
Email: [nkopinski@leydig.com](mailto:nkopinski@leydig.com)  
*ATTORNEY TO BE NOTICED*

**Wei-Chih Hsu**  
Crowell & Moring LLP  
455 N Cityfront Plaza Dr.  
Ste 3600  
Chicago, IL 60611  
312-321-4200  
Email: [whsu@crowell.com](mailto:whsu@crowell.com)  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Fenix Diamonds LLC**  
*TERMINATED: 07/30/2021*

represented by **Daniel Philip Waxman**  
(See above for address)  
*TERMINATED: 09/21/2023*  
**LEAD ATTORNEY**

**Steven Howard Sklar**  
(See above for address)  
**LEAD ATTORNEY**  
*ATTORNEY TO BE NOTICED*

**David M Airan**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Maxwell Snow**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Nicole E. Kopinski**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant**

**Carnegie Institution of Washington**

represented by **Amy Simpson**  
(See above for address)  
*TERMINATED: 09/20/2023*

**Matthew Joseph Moffa**  
 (See above for address)  
 TERMINATED: 09/20/2023

**Terrence Wikberg**  
 (See above for address)  
 TERMINATED: 09/20/2023

**Counter Defendant**

**M7D Corporation**

represented by **Amy Simpson**  
 (See above for address)  
 TERMINATED: 09/20/2023

**Matthew Joseph Moffa**  
 (See above for address)  
 TERMINATED: 09/20/2023

**Terrence Wikberg**  
 (See above for address)  
 TERMINATED: 09/20/2023

Date Filed	#	Docket Text
01/09/2020	<u>1</u>	COMPLAINT against Fenix Diamonds LLC, Mahendra Brothers Exports Private Limited. (Filing Fee \$ 400.00, Receipt Number ANYSDC-18463227) Document filed by Carnegie Institution of Washington, M7D Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Moffa, Matthew) (Entered: 01/09/2020)
01/09/2020	<u>2</u>	CIVIL COVER SHEET filed. (Moffa, Matthew) (Entered: 01/09/2020)
01/09/2020	<u>3</u>	AO 120 FORM PATENT – NOTICE OF SUBMISSION BY ATTORNEY. AO 120 Form Patent/Trademark for case opening submitted to court for review.(Moffa, Matthew) (Entered: 01/09/2020)
01/09/2020	<u>4</u>	STATEMENT OF RELATEDNESS re: that this action be filed as related to 1:20-cv-00189. Document filed by Carnegie Institution of Washington, M7D Corporation.(Moffa, Matthew) (Entered: 01/09/2020)
01/09/2020	<u>5</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Carnegie Institution of Washington.(Moffa, Matthew) (Entered: 01/09/2020)
01/09/2020	<u>6</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent WD Diamonds Holdings, LLC for M7D Corporation. Document filed by M7D Corporation.(Moffa, Matthew) (Entered: 01/09/2020)
01/09/2020	<u>7</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Fenix Diamonds LLC, re: <u>1</u> Complaint,. Document filed by Carnegie Institution of Washington, M7D Corporation. (Moffa, Matthew) (Entered: 01/09/2020)
01/09/2020	<u>8</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Mahendra Brothers Exports Private Limited, re: <u>1</u> Complaint,. Document filed by Carnegie Institution of Washington, M7D Corporation. (Moffa, Matthew) (Entered: 01/09/2020)
01/10/2020		<b>***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Matthew Joseph Moffa. The party information for the following party/parties has been modified: Mahendra Brothers Exports Private Limited. The information for the party/parties has been modified for the following reason/reasons: alias party name was omitted; (pc)</b> (Entered: 01/10/2020)
01/10/2020		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Unassigned. (pc) (Entered: 01/10/2020)
01/10/2020		Case Designated ECF. (pc) (Entered: 01/10/2020)

01/10/2020		CASE REFERRED TO Judge Paul A. Engelmayer as possibly related to 20cv189. (pc) (Entered: 01/10/2020)
01/10/2020		Case Eligible for Patent Pilot Program. (pc) (Entered: 01/10/2020)
01/10/2020	<u>9</u>	AO 120 FORM PATENT – CASE OPENING – SUBMITTED. In compliance with the provisions of 35 U.S.C. 290, the Director of the U.S. Patent and Trademark Office is hereby advised that a court action has been filed on the following patent(s) in the U.S. District Court Southern District of New York. Director of the U.S. Patent and Trademark Office electronically notified via Notice of Electronic Filing (NEF). (pc) (Entered: 01/10/2020)
01/10/2020	<u>10</u>	ELECTRONIC SUMMONS ISSUED as to Fenix Diamonds LLC. (pc) (Entered: 01/10/2020)
01/10/2020	<u>11</u>	ELECTRONIC SUMMONS ISSUED as to Mahendra Brothers Exports Private Limited. (pc) (Entered: 01/10/2020)
01/13/2020	<u>12</u>	MOTION for Terrence J. Wikberg to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-18491334. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Carnegie Institution of Washington, M7D Corporation. (Attachments: # <u>1</u> Affidavit of Terrence J. Wikberg, # <u>2</u> Certificates of Good Standing, # <u>3</u> Proposed Order)(Wikberg, Terrence) (Entered: 01/13/2020)
01/14/2020		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>12</u> MOTION for Terrence J. Wikberg to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-18491334. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb)</b> (Entered: 01/14/2020)
01/14/2020		CASE ACCEPTED AS RELATED. Create association to 1:20-cv-00189-PAE. Notice of Assignment to follow. (wb) (Entered: 01/14/2020)
01/14/2020		NOTICE OF CASE REASSIGNMENT to Judge Paul A. Engelmayer. Judge Unassigned is no longer assigned to the case. (wb) (Entered: 01/14/2020)
01/14/2020		Magistrate Judge Kevin Nathaniel Fox is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: <a href="https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf">https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf</a> . (wb) (Entered: 01/14/2020)
01/14/2020	<u>13</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>12</u> Motion for Terrence J. Wikberg to Appear Pro Hac Vice. (Signed by Judge Paul A. Engelmayer on 1/14/2020) (jwh) (Entered: 01/14/2020)
01/16/2020		NOTICE OF CASE REASSIGNMENT to Judge Jed S. Rakoff, Patent Judge. Judge Paul A. Engelmayer is no longer assigned to the case. (wb) (Entered: 01/16/2020)
01/16/2020	<u>14</u>	AMENDED STANDING ORDER IN RE IMPLEMENTATION OF PATENT PILOT PROGRAM IN THE SOUTHERN DISTRICT OF NEW YORK (See M-10-468 Order filed November 21, 2011). It appearing that the Court has elected to participate in the Pilot Project for Patent Cases established pursuant to Pub L. No. 111-349, 124 Stat. 3674. Therefore, effective November 21, 2011, the Court's participation in the Patent Pilot Project will commence and shall include pro se cases. The Pilot program will be subject to the following procedures: When a designated Pilot judge receives a patent case on initial assignment, the case shall be assigned to that judge for all purposes, without further notice to the Assignment Committee and the Case Assignment Unit.... (Signed by Judge Loretta A. Preska on 3/29/2012) (wb) (Entered: 01/16/2020)
02/18/2020	<u>15</u>	NOTICE OF COURT CONFERENCE: The Honorable Jed S. Rakoff, U.S.D.J. has ordered that counsel for all parties attend a conference, at the time and place fixed below, for the purpose of case management and scheduling pursuant to Fed. R. Civ. P. 16. Initial Conference set for 2/26/2020 at 11:00 AM in Courtroom 14B, 500 Pearl Street, New York, NY 10007 before Judge Jed S. Rakoff. And as set forth herein. SO ORDERED. (Signed by Judge Jed S. Rakoff on 2/18/2020) (ama) (Entered:

		02/18/2020)
02/19/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: ( Initial Conference set for 3/6/2020 at 11:00 AM before Judge Jed S. Rakoff.). (Kotowski, Linda) (Entered: 02/20/2020)
02/19/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 2/19/2020. (Kotowski, Linda) (Entered: 02/21/2020)
03/05/2020	<u>16</u>	AMENDED COMPLAINT amending <u>1</u> Complaint, against Fenix Diamonds LLC with JURY DEMAND.Document filed by Carnegie Institution of Washington, M7D Corporation. Related document: <u>1</u> Complaint,. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B).(Moffa, Matthew) (Entered: 03/05/2020)
03/06/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Initial Pretrial Conference held on 3/6/2020, ( Markman Hearing set for 4/24/2020 at 10:00 AM before Judge Jed S. Rakoff., Oral Argument set for 4/24/2020 at 10:00 AM before Judge Jed S. Rakoff.). (Kotowski, Linda) (Entered: 03/06/2020)
03/06/2020	<u>17</u>	SUMMONS RETURNED EXECUTED Summons and Amended Complaint, served. Fenix Diamonds LLC served on 3/5/2020, answer due 3/26/2020. Service was accepted by Amit Mahta, Employee. Document filed by Carnegie Institution of Washington; M7D Corporation..(Moffa, Matthew) (Entered: 03/06/2020)
03/06/2020	<u>18</u>	ORDER: The above-captioned actions are consolidated for all pretrial purposes. The case management plan adopted at the March 6, 2020 in-court conference in the Pure Grown Diamonds action, 20-cv-189, is hereby also applied to the Fenix action, 20-cv-200. (Signed by Judge Jed S. Rakoff on 3/6/2020) (cf) (Entered: 03/06/2020)
03/13/2020	<u>19</u>	MOTION for Steven H. Sklar to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-19112107. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Affidavit Of Steven H. Sklar, # <u>2</u> Certificate Of Good Standing, # <u>3</u> Text of Proposed Order).(Waxman, Daniel) (Entered: 03/13/2020)
03/16/2020		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>19</u> MOTION for Steven H. Sklar to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-19112107. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb)</b> (Entered: 03/16/2020)
03/16/2020	<u>20</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Fenix Diamonds LLC..(Waxman, Daniel) (Entered: 03/16/2020)
03/20/2020	<u>21</u>	MOTION for Maxwell B. Snow to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-19181830. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Affidavit Of Maxwell B. Snow, # <u>2</u> Certificate Of Good Standing, # <u>3</u> Text of Proposed Order).(Waxman, Daniel) (Entered: 03/20/2020)
03/20/2020		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>21</u> MOTION for Maxwell B. Snow to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-19181830. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (vba)</b> (Entered: 03/20/2020)
03/20/2020	<u>22</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>19</u> Motion for Steven H. Sklar to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 3/18/2020) (jwh) (Entered: 03/20/2020)
03/23/2020	<u>23</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>21</u> Motion for Maxwell B. Snow to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 3/23/2020) (jwh) (Entered: 03/23/2020)
03/27/2020	<u>24</u>	JOINT CLAIM CONSTRUCTION STATEMENT. Document filed by Carnegie Institution of Washington, M7D Corporation. (Attachments: # <u>1</u> Exhibit A).(Moffa, Matthew) (Entered: 03/27/2020)

03/30/2020	<u>25</u>	MOTION to Dismiss Pursuant to FRCP 12(B)(6). Document filed by Fenix Diamonds LLC..(Waxman, Daniel) (Entered: 03/30/2020)
03/30/2020	<u>26</u>	MEMORANDUM OF LAW in Support re: <u>25</u> MOTION to Dismiss Pursuant to FRCP 12(B)(6). . Document filed by Fenix Diamonds LLC..(Waxman, Daniel) (Entered: 03/30/2020)
04/06/2020	<u>27</u>	NOTICE OF APPEARANCE by Maxwell Snow on behalf of Fenix Diamonds LLC..(Snow, Maxwell) (Entered: 04/06/2020)
04/06/2020	<u>28</u>	NOTICE OF APPEARANCE by Steven Howard Sklar on behalf of Fenix Diamonds LLC..(Sklar, Steven) (Entered: 04/06/2020)
04/08/2020	<u>29</u>	BRIEF / Plaintiffs' Opening Claim Construction Brief. Document filed by Carnegie Institution of Washington, M7D Corporation. (Attachments: # <u>1</u> Exhibit A).(Moffa, Matthew) (Entered: 04/08/2020)
04/08/2020	<u>30</u>	BRIEF Defendant's Opening Claim Construction Brief. Document filed by Fenix Diamonds LLC..(Sklar, Steven) (Entered: 04/08/2020)
04/08/2020	<u>31</u>	OATH of Maxwell B. Snow Declaration in Support of Defendant's Opening Claim Construction Brief. Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C – Part 1 of 3, # <u>4</u> Exhibit C – Part 2 of 3, # <u>5</u> Exhibit C – Part 3 of 3, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J).(Sklar, Steven) (Entered: 04/08/2020)
04/09/2020	<u>32</u>	BRIEF re: <u>30</u> Brief Defendant's Opening Claim Construction Brief – Re–Filed To Correct PDF Format. Document filed by Fenix Diamonds LLC..(Waxman, Daniel) (Entered: 04/09/2020)
04/13/2020	<u>33</u>	MEMORANDUM OF LAW in Opposition re: <u>25</u> MOTION to Dismiss Pursuant to FRCP 12(B)(6). . Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 04/13/2020)
04/17/2020	<u>34</u>	BRIEF / Plaintiffs' Rebuttal Claim Construction Brief. Document filed by Carnegie Institution of Washington, M7D Corporation. (Attachments: # <u>1</u> Exhibit B).(Moffa, Matthew) (Entered: 04/17/2020)
04/17/2020	<u>35</u>	REPLY Claim Construction Brief by Fenix Diamonds LLC. Document filed by Fenix Diamonds LLC..(Sklar, Steven) (Entered: 04/17/2020)
04/17/2020	<u>36</u>	DECLARATION of Maxwell B. Snow re: <u>35</u> Reply Claim Construction Brief by Fenix Diamonds LLC. Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D – F, # <u>5</u> Exhibit G, # <u>6</u> Exhibit H).(Sklar, Steven) (Entered: 04/17/2020)
04/20/2020	<u>37</u>	REPLY MEMORANDUM OF LAW in Support re: <u>25</u> MOTION to Dismiss Pursuant to FRCP 12(B)(6). . Document filed by Fenix Diamonds LLC..(Sklar, Steven) (Entered: 04/20/2020)
04/21/2020	<u>38</u>	PROTECTIVE ORDER regarding procedures to be followed that shall govern the handling of confidential material. (Signed by Judge Jed S. Rakoff on 4/21/2020) (jwh) (Entered: 04/21/2020)
04/24/2020		MEMORANDUM TO THE DOCKET CLERK. Notice: Dial in information for the argument at 10:00am today, April 24, 2020: USA TOLL FREE DIAL IN: 888–363–4735 International caller paid: 215–446–3657 Access code: 1086415.(kgo) (Entered: 04/24/2020)
04/24/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephonic Oral Argument held on 4/24/2020 re: <u>25</u> MOTION to Dismiss Pursuant to FRCP 12(B)(6). filed by Fenix Diamonds LLC. Present were attorneys for both sides and Kristen Carannante, court reporter. (tro) (Entered: 04/27/2020)
04/24/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephonic Markman Hearing held on 4/24/2020. Present were attorneys for all parties and Kristen Carannante, court reporter. (tro) (Entered: 04/27/2020)

04/28/2020	<u>39</u>	ORDER denying <u>25</u> Motion to Dismiss: The defendants' Rule 12(b)(6) motions to dismiss plaintiffs' complaints in the above-captioned actions are denied. A memorandum explaining the reasons for these rulings will issue in due course. The Clerk of the Court is directed to close the motion at docket number 28 in the Pure Grown Diamonds action, as well as the motion at docket number 25 in the Fenix action. (Signed by Judge Jed S. Rakoff on 4/27/2020) (jwh) (Entered: 04/28/2020)
05/06/2020	<u>40</u>	MOTION for Amy E. Simpson to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-19730829. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Carnegie Institution of Washington, M7D Corporation. (Attachments: # <u>1</u> Declaration of Amy Simpson in Support, # <u>2</u> Certificates of Good Standing, # <u>3</u> Proposed Order).(Simpson, Amy) (Entered: 05/06/2020)
05/06/2020		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>40</u> MOTION for Amy E. Simpson to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-19730829. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (ad)</b> (Entered: 05/06/2020)
05/08/2020	<u>41</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>40</u> Motion for Amy E. Simpson to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 5/8/2020) (jwh) (Entered: 05/08/2020)
05/08/2020	<u>42</u>	OPINION AND ORDER: For the foregoing reasons, defendants' motions to dismiss are denied in their entirety, and the Court adopts the claim constructions stated above. (Signed by Judge Jed S. Rakoff on 5/8/2020) (jwh) (Entered: 05/08/2020)
05/18/2020	<u>43</u>	ANSWER to <u>16</u> Amended Complaint,,, COUNTERCLAIM against Carnegie Institution of Washington, M7D Corporation. Document filed by Fenix Diamonds LLC..(Snow, Maxwell) (Entered: 05/18/2020)
05/22/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 5/22/2020. All remaining dates in the case management plan are extended by seven weeks. The summary judgment schedule is now as follows: moving papers by August 24, answering papers by September 9 (due to Labor Day), and reply papers by September 16. The final pre-trial conference is adjourned from August 10 to September 30 at 4 PM. (kgo) (Entered: 05/26/2020)
05/22/2020		Set/Reset Hearings:( Final Pretrial Conference set for 9/30/2020 at 04:00 PM before Judge Jed S. Rakoff.), Set/Reset Deadlines: ( Motions due by 8/24/2020., Responses due by 9/9/2020, Replies due by 9/16/2020.) (kgo) (Entered: 05/26/2020)
05/27/2020	<u>44</u>	NOTICE of Request for Approval of Discovery pursuant to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters. Document filed by Carnegie Institution of Washington, M7D Corporation. (Attachments: # <u>1</u> Attachment 1– Proposed Hague Letter of Request).(Moffa, Matthew) (Entered: 05/27/2020)
05/27/2020	<u>45</u>	SUPPLEMENTAL BRIEF <i>re: Request for Discovery of Plaintiffs' Manufacturing Processes</i> . Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit Ex. A, # <u>2</u> Exhibit Ex. B, # <u>3</u> Exhibit Ex. C, # <u>4</u> Exhibit Ex. D).(Sklar, Steven) (Entered: 05/27/2020)
05/29/2020	<u>46</u>	OPPOSITION BRIEF re: <u>45</u> Brief, <i>Opposing Requested Discovery of Plaintiffs' Manufacturing Processes</i> . Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 05/29/2020)
06/02/2020	<u>47</u>	MEMORANDUM ORDER. Defendants in the above-captioned consolidated actions move to compel plaintiffs to produce discovery about the manufacturing processes that they employ to produce synthetic diamonds. Plaintiffs oppose the motion on the grounds of relevance and confidentiality. For the following reasons, the motion is denied, but without prejudice to renewal at a later stage, and as further set forth in this Memorandum Order. The Court finds that the requested discovery is not, at this point, "proportional to the needs of the case." Fed. R. Civ. P. 26(b)(1); see also Crawford-El v. Britton, 523 U.S. 574, 598 (1998). The motion is accordingly denied. This denial is, however, without prejudice to renewal if defendants' depositions of plaintiffs and the inventors of the patents-in-suit do not produce the expected information. SO

		ORDERED. (Signed by Judge Jed S. Rakoff on 6/2/2020) (rjm) (Entered: 06/03/2020)
06/03/2020	<u>48</u>	REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE PURSUANT TO THE HAGUE CONVENTION OF 18 MARCH 1970 ON TAKING OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS: as to Mr. Chirag Limbasiya, Nouveau Diamonds LLP, Mr. Bakulbhai Limbasiya, Bhathwari Technologies through attorney Mr. Upendra Patel of Upendra Patel & Associates in India.(ml) (Entered: 06/03/2020)
06/03/2020		LETTERS ROGATORY ISSUED as to as to Mr. Chirag Limbasiya, Nouveau Diamonds LLP, Mr. Bakulbhai Limbasiya, Bhathwari Technologies through attorney Mr. Upendra Patel of Upendra Patel & Associates in Gujarat, India. Mailed by Chambers on 6/3/2020.(ml) (Entered: 06/03/2020)
06/04/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 6/4/2020. Plaintiff is granted leave to file a motion to dismiss certain of defendant's counterclaims and affirmative defenses. Moving papers are due no later than June 8, with answering papers by June 24 and reply papers by July 1. ( Motions due by 6/8/2020., Replies due by 7/1/2020., Responses due by 6/24/2020). (kgo) (Entered: 06/04/2020)
06/04/2020	<u>49</u>	MOTION for Sarah Fowler to Appear Pro Hac Vice . <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Carnegie Institution of Washington, M7D Corporation. (Attachments: # <u>1</u> Declaration in Support, # <u>2</u> Certificate of Good Standing, # <u>3</u> Proposed Order).(Fowler, Sarah) (Entered: 06/04/2020)
06/04/2020		Pro Hac Vice Fee Paid electronically via Pay.gov: for <u>49</u> MOTION for Sarah Fowler to Appear Pro Hac Vice . <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Filing fee \$ 200.00. Pay.gov receipt number ANYSDC-20110406, paid on 6/4/2020. (laq) (Entered: 06/04/2020)
06/04/2020		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>49</u> MOTION for Sarah Fowler to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (laq)</b> (Entered: 06/04/2020)
06/08/2020	<u>50</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>49</u> Motion for Sarah Fowler to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 6/5/2020) (jwh) (Entered: 06/08/2020)
06/08/2020	<u>51</u>	MOTION to Dismiss <i>Defendants' counterclaims and affirmative defenses relating to allegations of inequitable conduct.</i> Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 06/08/2020)
06/08/2020	<u>52</u>	MEMORANDUM OF LAW in Support re: <u>51</u> MOTION to Dismiss <i>Defendants' counterclaims and affirmative defenses relating to allegations of inequitable conduct.</i> . Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 06/08/2020)
06/08/2020	<u>53</u>	DECLARATION of Matthew J. Moffa in Support re: <u>51</u> MOTION to Dismiss <i>Defendants' counterclaims and affirmative defenses relating to allegations of inequitable conduct..</i> Document filed by Carnegie Institution of Washington, M7D Corporation. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6).(Moffa, Matthew) (Entered: 06/08/2020)
06/09/2020	<u>54</u>	MOTION for David M. Airan to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-20177298. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Affidavit of David M. Airan, # <u>2</u> Certificate of Good Standing, # <u>3</u> Proposed Order for Admission PHV).(Waxman, Daniel) (Entered: 06/09/2020)
06/09/2020		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>54</u> MOTION for David M. Airan to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-20177298. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (ad)</b> (Entered: 06/09/2020)

06/22/2020	<u>55</u>	<b>FILING ERROR – DEFICIENT PRO HAC VICE MOTION – MOTION</b> for Nicole E. Kopinski to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–20366974. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Affidavit of Nicole E. Kopinski, # <u>2</u> Certificates of Good Standing, # <u>3</u> Proposed Order for Admission PHV).(Waxman, Daniel) Modified on 6/23/2020 (ad). (Entered: 06/22/2020)
06/22/2020		<b>&gt;&gt;&gt;NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE.</b> Notice to RE–FILE Document No. <u>55</u> MOTION for Nicole E. Kopinski to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–20366974. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.. The filing is deficient for the following reason(s): the affidavit is not notarized;; Re–file the motion as a Corrected Motion to Appear Pro Hac Vice – attach the correct signed PDF – select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Proposed Order. (ad) (Entered: 06/23/2020)</b>
06/23/2020	<u>56</u>	MOTION for Nicole E. Kopinski to Appear Pro Hac Vice / <i>Corrected Motion to Appear Pro Hac Vice</i> . <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Declaration of Nicole E. Kopinski, # <u>2</u> Certificates of Good Standing, # <u>3</u> Proposed Order for Admission PHV).(Waxman, Daniel) (Entered: 06/23/2020)
06/23/2020	<u>57</u>	AMENDED COUNTERCLAIM amending <u>43</u> Answer to Amended Complaint, Counterclaim against Carnegie Institution of Washington, M7D Corporation.Document filed by Fenix Diamonds LLC. Related document: <u>43</u> Answer to Amended Complaint, Counterclaim..(Sklar, Steven) (Entered: 06/23/2020)
06/23/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 6/23/2020. All relevant parties present (counsel for plaintiff, counsel for Fenix Diamonds LLC); without transcription or recording. (kgo) (Entered: 06/24/2020)
06/24/2020		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>56</u> MOTION for Nicole E. Kopinski to Appear Pro Hac Vice /<i>Corrected Motion to Appear Pro Hac Vice</i>. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (laq)</b> (Entered: 06/24/2020)
06/25/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 6/25/2020. Court's decision:(1) by 8:00pm Friday June 26, 2020, Emby Int'l. Inc shall provide the Court in camera an unredacted copy of the two documents as to which Plaintiffs dispute the claim of privilege. (2)By 8:00pm Friday June 26, 2020, Plaintiffs and Emby Int'l, Inc shall each submit to the Court, without argument, any cases which they wish the Court to consider with respect to the common interest privilege. (3) As to the parties' remaining applications, after any meet-and-confer required by the local rules, a party seeking relief shall file a letter brief, not to exceed thee single-spaced pages, by 8:00pm Monday June 29,2020. A party opposing such relief may respond by letter brief of similar length by 8:00pm Tuesday June 30, 2020. Counsel are directed to jointly call the Court at noon on Wednesday, July 1,2020. (Kotowski, Linda) (Entered: 06/26/2020)
06/29/2020	<u>58</u>	MOTION to Compel Defendant Fenix Diamonds LLC and Third Party LuxeIntelligence LLC to Produce – REDACTED. Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 06/29/2020)
06/29/2020	<u>59</u>	MOTION to Compel Plaintiffs to <i>produce financial information responsive to document requests</i> . Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit A).(Sklar, Steven) (Entered: 06/29/2020)
06/30/2020	<u>60</u>	MEMORANDUM ORDER: Because the passage is not protected by the asserted privilege, plaintiffs' application is granted. The Court orders EMBY International, LLC to produce to plaintiffs an unredacted copy of these documents by 5pm on July 1, 2020. (Signed by Judge Jed S. Rakoff on 6/30/2020) (jwh) (Entered: 06/30/2020)
06/30/2020	<u>61</u>	RESPONSE to Motion re: <u>59</u> MOTION to Compel Plaintiffs to <i>produce financial information responsive to document requests</i> .. Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 06/30/2020)

06/30/2020	<u>62</u>	RESPONSE to Motion re: <u>58</u> MOTION to Compel Defendant Fenix Diamonds LLC and Third Party LuxeIntelligence LLC to Produce – <u>REDACTED</u> . Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibits A–D – Redacted).(Sklar, Steven) (Entered: 06/30/2020)
07/01/2020	<u>63</u>	MEMORANDUM ORDER denying <u>58</u> Motion to Compel; granting in part and denying in part <u>59</u> Motion to Compel. For the foregoing reasons, plaintiffs' application is denied and Fenix's application is granted in part and denied in part. SO ORDERED. (Signed by Judge Jed S. Rakoff on 7/1/2020) (va) (Entered: 07/01/2020)
07/02/2020	<u>64</u>	PROTECTIVE ORDER regarding procedures to be followed that shall govern the handling of confidential material. (Signed by Judge Jed S. Rakoff on 7/2/2020) (jwh) (Entered: 07/06/2020)
07/06/2020	<u>65</u>	NOTICE OF APPEARANCE by Kevin Patariu on behalf of Carnegie Institution of Washington, M7D Corporation..(Patariu, Kevin) (Entered: 07/06/2020)
07/07/2020	<u>66</u>	MOTION to Dismiss <i>Defendants' amended counterclaims and affirmative defenses.</i> Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 07/07/2020)
07/07/2020	<u>67</u>	DECLARATION of Matthew J. Moffa in Support re: <u>66</u> MOTION to Dismiss <i>Defendants' amended counterclaims and affirmative defenses.</i> .. Document filed by Carnegie Institution of Washington, M7D Corporation. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7– Redacted).(Moffa, Matthew) (Entered: 07/07/2020)
07/07/2020	<u>68</u>	MEMORANDUM OF LAW in Support re: <u>66</u> MOTION to Dismiss <i>Defendants' amended counterclaims and affirmative defenses.</i> – <u>REDACTED</u> . Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 07/07/2020)
07/16/2020	<u>69</u>	SEALED DOCUMENT placed in vault.(mhe) (Entered: 07/16/2020)
07/16/2020	<u>70</u>	SEALED DOCUMENT placed in vault.(mhe) (Entered: 07/16/2020)
07/20/2020	<u>71</u>	MOTION for Michelle Umberger to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–20767956. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Carnegie Institution of Washington, M7D Corporation. (Attachments: # <u>1</u> Declaration of Michelle Umberger in Support, # <u>2</u> Certificates of Good Standing, # <u>3</u> Proposed Order).(Umberger, Michelle) (Entered: 07/20/2020)
07/21/2020		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>71</u> MOTION for Michelle Umberger to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number ANYSDC–20767956. Motion and supporting papers to be reviewed by Clerk's Office staff. The document has been reviewed and there are no deficiencies. (aea)</b> (Entered: 07/21/2020)
07/21/2020	<u>72</u>	MEMORANDUM OF LAW in Opposition re: <u>66</u> MOTION to Dismiss <i>Defendants' amended counterclaims and affirmative defenses.</i> – <u>REDACTED</u> . Document filed by Fenix Diamonds LLC..(Sklar, Steven) (Entered: 07/21/2020)
07/21/2020	<u>73</u>	DECLARATION of Nicole E. Kopinski in Opposition re: <u>66</u> MOTION to Dismiss <i>Defendants' amended counterclaims and affirmative defenses.</i> .. Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2 – REDACTED).(Sklar, Steven) (Entered: 07/21/2020)
07/22/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 7/22/2020. Defendants shall return or destroy the documents clawed back by the plaintiffs. Plaintiffs shall produce redacted copies of such documents, if applicable, and a privilege log by 5:00pm Monday. If a dispute remains at that time (or if a dispute arises during a deposition) then the parties shall jointly call chambers. (Kotowski, Linda) (Entered: 07/24/2020)
07/27/2020	<u>74</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>71</u> Motion for Michelle Umberger to Appear Pro Hac Vice. IT IS HEREBY ORDERED that Applicant is admitted to practice Pro Hac Vice in the above-captioned action in the United States District Court for the Southern District of New York. All attorneys appearing before

		this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. (Signed by Judge Jed S. Rakoff on 7/22/2020) (kv) Modified on 7/27/2020 (kv). (Entered: 07/27/2020)
07/28/2020	<u>75</u>	REPLY MEMORANDUM OF LAW in Support re: <u>66</u> MOTION to Dismiss <i>Defendants' amended counterclaims and affirmative defenses.</i> . Document filed by Carnegie Institution of Washington, M7D Corporation..(Wikberg, Terrence) (Entered: 07/28/2020)
07/28/2020	<u>76</u>	DECLARATION of Matthew J. Moffa in Support re: <u>66</u> MOTION to Dismiss <i>Defendants' amended counterclaims and affirmative defenses..</i> Document filed by Carnegie Institution of Washington, M7D Corporation. (Attachments: # <u>1</u> Exhibit 8–Redacted).(Wikberg, Terrence) (Entered: 07/28/2020)
07/29/2020	<u>77</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>56</u> Motion for Nicole E. Kopinski to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 7/29/2020) (jwh) (Entered: 07/29/2020)
07/29/2020	<u>78</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>54</u> MOTION for David M. Airan to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 7/29/2020) (jca) (Entered: 07/29/2020)
08/03/2020	<u>79</u>	NOTICE OF APPEARANCE by Nicole E. Kopinski on behalf of Fenix Diamonds LLC..(Kopinski, Nicole) (Entered: 08/03/2020)
08/04/2020	<u>80</u>	MOTION for Michael A. Chajon to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–20996850. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Carnegie Institution of Washington, M7D Corporation. (Attachments: # <u>1</u> Declaration of Michael Chajon in Support, # <u>2</u> Certificates of Good Standing, # <u>3</u> Proposed Order).(Chajon, Michael) (Entered: 08/04/2020)
08/05/2020	<u>81</u>	NOTICE OF APPEARANCE by David M Airan on behalf of Fenix Diamonds LLC..(Airan, David) (Entered: 08/05/2020)
08/05/2020		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>80</u> MOTION for Michael A. Chajon to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–20996850. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb)</b> (Entered: 08/05/2020)
08/06/2020	<u>82</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>80</u> Motion for Michael A. Chajon to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 8/6/2020) (jwh) (Entered: 08/06/2020)
08/06/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 8/6/2020, without transcription or recording. Counsel for all parties was present. Court's Order: By 5:30 pm Friday, August 7, Plaintiffs shall submit the disputed documents to Chambers for in camera review. A party asserting a privilege as to these documents may file a letter brief no later than 5:30 pm Monday, August 10. Defendants may file a letter brief no later than 5:30 pm Wednesday, August 12. If the Court orders that the documents are to be produced without redactions, then any deposition occurring between Friday, August 7, and the date of the Court's order may be re–opened for no more than 30 minutes of additional telephonic questioning per witness, limited to questions directly relating to the passages that the Court ordered to be unsealed. (tro) (Entered: 08/07/2020)
08/10/2020	<u>83</u>	BRIEF / Letter Brief in Support of the Privilege Redactions in Two PowerPoint Presentations Produced to Defendants. Document filed by Carnegie Institution of Washington, M7D Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B).(Moffa, Matthew) (Entered: 08/10/2020)
08/10/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 8/10/2020. On August 10, 2020 a telephonic argument on the motions at 58 & 66 on the docket was held before Judge Rakoff. Present were counsel for all parties and a court reporter. (kgo) (Entered: 08/11/2020)

08/11/2020	<u>84</u>	BRIEF / <i>Plaintiffs' Letter Brief Justifying The Exhibits Attached To Their Motion To Dismiss.</i> Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 08/11/2020)
08/11/2020	<u>85</u>	BRIEF <i>Defendants Letter Brief Justifying The Material Submitted In Opposition To Plaintiffs Motion To Dismiss.</i> Document filed by Fenix Diamonds LLC..(Sklar, Steven) (Entered: 08/11/2020)
08/11/2020	<u>86</u>	ORDER re: (82 in 1:20-cv-00189-JSR) Brief, (85 in 1:20-cv-00200-JSR) Brief, (81 in 1:20-cv-00189-JSR) Brie, (84 in 1:20-cv-00200-JSR) Brief: The letters have now been received, and, upon review, the Court is pleased to conclude that the parties acted in good faith in attaching these materials to their submissions. Although the Court is still not convinced that all of the proffered materials were properly part of such motion practice, it now appears that many were proper and that, as to the others, the parties had a reasonable good-faith belief that inclusion of such materials was within what such motion practice permitted. Accordingly, no sanctions will be imposed, and the Court will simply content itself with disregarding such remaining materials as may have been inappropriately submitted. (Signed by Judge Jed S. Rakoff on 8/11/2020) (jwh) (Entered: 08/11/2020)
08/12/2020	87	SEALED DOCUMENT placed in vault..(dn) (Entered: 08/12/2020)
08/12/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 8/12/2020. With respect to defendants' letter brief due today, their application to file it and two exhibits under seal, with a redacted copy for the public record filed by 5:30 pm tomorrow, is granted. Plaintiffs may file a reply letter brief by 5:30 pm Friday, August 14. (kgo) (Entered: 08/12/2020)
08/12/2020	<u>88</u>	***SELECTED PARTIES*** BRIEF <i>SEALED DOCUMENT – Defendant's Letter Brief in Support of Motion to Compel (filed under seal pursuant to August 12, 2012 Minute Entry for proceedings held before Judge Rakoff).</i> Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)Motion or Order to File Under Seal: <u>83</u> .(Kopinski, Nicole) (Entered: 08/12/2020)
08/13/2020	<u>89</u>	BRIEF <i>REDACTED Defendant's Letter Brief in Support of Motion to Compel.</i> Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit Ex 1 – Redacted, # <u>2</u> Exhibit Ex. 2 – Redacted, # <u>3</u> Exhibit Ex. 3 – Redacted).(Sklar, Steven) (Entered: 08/13/2020)
08/14/2020	<u>90</u>	BRIEF / <i>Reply Letter Brief to address Defendants' sealed exhibits provided in opposition to Plaintiff's privilege redactions to documents.</i> Document filed by Carnegie Institution of Washington, M7D Corporation. (Attachments: # <u>1</u> Exhibit C).(Moffa, Matthew) (Entered: 08/14/2020)
08/19/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 8/19/2020. (Kotowski, Linda) (Entered: 08/19/2020)
08/21/2020	<u>91</u>	MEMORANDUM ORDER re: (79 in 1:20-cv-00189-JSR) Brief, (83 in 1:20-cv-00200-JSR) Brief: The Court concludes that Huron Capital waived its privilege when it shared its attorneys' analysis with M7D and TM Capital, and in any event when it shared it with a group of potential investors on November 7, 2018. For these reasons, the Court determines that the three redacted slides must be produced in unredacted form and orders Plaintiff M7D to do so by 5:30 pm on Tuesday, August 25, 2020. (Signed by Judge Jed S. Rakoff on 8/21/2020) (jwh) (Entered: 08/21/2020)
08/31/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 8/31/2020. (Kotowski, Linda) (Entered: 08/31/2020)
08/31/2020	<u>92</u>	OPINION AND ORDER: re: <u>66</u> MOTION to Dismiss <i>Defendants' amended counterclaims and affirmative defenses.</i> filed by Carnegie Institution of Washington, M7D Corporation. Now before the Court are plaintiffs' motions, in each of the above-captioned actions, to dismiss certain of defendants' counterclaims and to strike certain of defendants' affirmative defenses – specifically, those sounding in inequitable conduct. For the reasons that follow, the Court finds that defendants' allegations, presumed true at this stage, state with sufficient particularity a plausible claim for inequitable conduct. All other provisions as further set forth in this order. Plaintiffs' motion to dismiss are, accordingly, denied. The Clerk of Court is directed to close docket entry number 59 in 20-cv-189 (JSR) and docket entry number 66 in

		20-cv-200 (JSR). So Ordered (Signed by Judge Jed S. Rakoff on 8/31/2020) (js) (Entered: 09/01/2020)
09/02/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 9/2/2020, ( Final Pretrial Conference and hearing on any summary judgment motions set for 11/17/2020 at 03:00 PM before Judge Jed S. Rakoff.)All remaining case management deadlines are extended two weeks. Opening expert reports: Sept. 18. Requests for admission: Sept. 18. Discovery requests: Sept. 23. Notice of intent to file motion for summary judgment: Sept. 28. Rebuttal expert reports: Oct. 2. Motions for summary judgment: Oct. 5. Depositions: Oct. 16. Oppositions to summary judgment: Oct. 21. Close of discovery: Oct. 23. Replies in support of summary judgment: Oct. 28. (Kotowski, Linda) (Entered: 09/02/2020)
09/14/2020	<u>93</u>	ANSWER to <u>57</u> Amended Counterclaim,. Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 09/14/2020)
09/28/2020	<u>94</u>	NOTICE of Motion for Summary Judgment. Document filed by Fenix Diamonds LLC..(Kopinski, Nicole) (Entered: 09/28/2020)
09/29/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 9/29/2020. (Kotowski, Linda) (Entered: 09/29/2020)
09/30/2020	<u>95</u>	ORDER: On Monday, September 28, 2020, pursuant to the Court's Individual Rules, the parties in the above-captioned actions jointly called Chambers so that the defendants in both actions could make six applications to the Court. The Court heard continued argument from the parties yesterday (September 29) and authorized certain limited submissions by email last night. Having considered these materials and the parties' arguments, and for the reasons stated on the call and herein, the Court rules as further set forth in this order. All remaining deadlines in the Case Management Order are extended by one week. The final pretrial conference and hearing on any dispositive motions is set for November 24, 2020, at 3:30 pm. (Final Pretrial Conference set for 11/24/2020 at 03:30 PM before Judge Jed S. Rakoff.) (Signed by Judge Jed S. Rakoff on 9/30/2020) (jwh) (Entered: 10/01/2020)
10/13/2020	<u>96</u>	NOTICE of Motion for Summary Judgment. Document filed by Fenix Diamonds LLC..(Sklar, Steven) (Entered: 10/13/2020)
10/13/2020	<u>97</u>	***EX-PARTE*** MOTION for Summary Judgment of <i>Non-Infringement</i> . Document filed by Fenix Diamonds LLC.Motion or Order to File Under Seal: <u>96</u> .(Sklar, Steven) (Entered: 10/13/2020)
10/13/2020	<u>98</u>	***EX-PARTE***RULE 56.1 STATEMENT. Document filed by Fenix Diamonds LLC. Motion or Order to File Under Seal: <u>96</u> .(Sklar, Steven) (Entered: 10/13/2020)
10/13/2020	<u>99</u>	***EX-PARTE***DECLARATION of Nicole Kopinski in Support re: <u>98</u> Rule 56.1 Statement. Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 7, # <u>7</u> Exhibit 8, # <u>8</u> Exhibit 9, # <u>9</u> Exhibit 10, # <u>10</u> Exhibit 11, # <u>11</u> Exhibit 12, # <u>12</u> Exhibit 13, # <u>13</u> Exhibit 14, # <u>14</u> Exhibit 15)Motion or Order to File Under Seal: <u>96</u> .(Sklar, Steven) (Entered: 10/14/2020)
10/13/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 10/13/2020. The parties applications to file under seal, with redacted copies for the public record, summary judgment motions, oppositions, and replies (and related filings including memoranda of law, Rule 56.1 Statements, and exhibits) are granted. (Kotowski, Linda) (Entered: 10/16/2020)
10/14/2020	<u>100</u>	***EX-PARTE***NOTICE of Notice of Filing Exhibit 6 (3 Parts Under Seal) re: <u>98</u> Rule 56.1 Statement. Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Supplement Part 2 of 3, # <u>2</u> Supplement Part 3 of 3)Motion or Order to File Under Seal: <u>96</u> .(Sklar, Steven) (Entered: 10/14/2020)
10/15/2020	<u>101</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION</b> for Paul J. Filbin to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-22153112. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Declaration of Paul J. Filbin, # <u>2</u> Certificate of Good Standing).(Waxman, Daniel) Modified on 10/15/2020 (vba). (Entered: 10/15/2020)

10/15/2020		>>> <b>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE.</b> Notice to RE-FILE Document No. <a href="#">101</a> MOTION for Paul J. Filbin to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-22153112. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): missing Proposed Order;; Re-file the motion as a Corrected Motion to Appear Pro Hac Vice – attach the correct signed PDF – select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Proposed Order.. (vba) (Entered: 10/15/2020)
10/16/2020	<a href="#">102</a>	<b>FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU –</b> MOTION for Summary Judgment ( <i>Redacted for Public Docket</i> ). Document filed by Fenix Diamonds LLC..(Kopinski, Nicole) Modified on 10/19/2020 (ldi). (Entered: 10/16/2020)
10/16/2020	<a href="#">103</a>	RULE 56.1 STATEMENT. Document filed by Fenix Diamonds LLC..(Kopinski, Nicole) (Entered: 10/16/2020)
10/16/2020	<a href="#">104</a>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> DECLARATION of Nicole Kopinski re: <a href="#">103</a> Rule 56.1 Statement . Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit 2, # <u>2</u> Exhibit 3, # <u>3</u> Exhibit 4, # <u>4</u> Exhibit 5, # <u>5</u> Exhibit 6, # <u>6</u> Exhibit 7, # <u>7</u> Exhibit 8, # <u>8</u> Exhibit 9, # <u>9</u> Exhibit 10, # <u>10</u> Exhibit 11, # <u>11</u> Exhibit 12, # <u>12</u> Exhibit 13, # <u>13</u> Exhibit 14, # <u>14</u> Exhibit 15).(Kopinski, Nicole) Modified on 10/19/2020 (ldi). (Entered: 10/17/2020)
10/17/2020	<a href="#">105</a>	<b>FILING ERROR – ELECTRONIC FILING FOR NON-ECF DOCUMENT –</b> NOTICE of Exhibit 6 to Declaration ( <i>Redacted for Public Docket</i> ) re: <a href="#">104</a> Declaration,. Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit (Part 2 of 4), # <u>2</u> Exhibit (Part 3 of 4), # <u>3</u> Exhibit (Part 4 of 4)).(Kopinski, Nicole) Modified on 10/19/2020 (ldi). (Entered: 10/17/2020)
10/19/2020		*** <b>NOTICE TO ATTORNEY TO RE-FILE DOCUMENT – EVENT TYPE ERROR.</b> Notice to Attorney Nicole E. Kopinski to RE-FILE Document <a href="#">102</a> MOTION for Summary Judgment ( <i>Redacted for Public Docket</i> ). Use the event type Memorandum of Law in Support of Motion found under the event list Replies, Opposition and Supporting Documents. NOTE: You must file a Motion (Notice of Motion) first, then re-file the Memorandum of Law and link to the Motion. (ldi) (Entered: 10/19/2020)
10/19/2020		*** <b>NOTICE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR.</b> Notice to Attorney Nicole E. Kopinski to RE-FILE Document <a href="#">104</a> Declaration. ERROR(S): document linked to filing error. (ldi) (Entered: 10/19/2020)
10/19/2020		*** <b>NOTE TO ATTORNEY TO RE-FILE DOCUMENT – NON-ECF DOCUMENT ERROR.</b> Note to Attorney Nicole E. Kopinski: Document No. <a href="#">105</a> Exhibit is not filed via ECF. Exhibits are to be filed as attachments only. NOTE: Re-file the Declaration and add the exhibit as an attachment. (ldi) (Entered: 10/19/2020)
10/22/2020	<a href="#">106</a>	MEMORANDUM OF LAW in Support re: <a href="#">97</a> MOTION for Summary Judgment of Non-Infringement. re: Dkt. No. 96 ( <i>redacted for public docket</i> ). Document filed by Fenix Diamonds LLC..(Kopinski, Nicole) (Entered: 10/22/2020)
10/22/2020	<a href="#">107</a>	DECLARATION of Nicole Kopinski in Support re: <a href="#">103</a> Rule 56.1 Statement. Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit 1 (Part 1 of 4), # <u>2</u> Exhibit 1 (Part 2 of 4), # <u>3</u> Exhibit 1 (Part 3 of 4), # <u>4</u> Exhibit 1 (Part 4 of 4), # <u>5</u> Exhibit 2, # <u>6</u> Exhibit 3, # <u>7</u> Exhibit 4, # <u>8</u> Exhibit 5, # <u>9</u> Exhibit 6, # <u>10</u> Exhibit 7, # <u>11</u> Exhibit 8, # <u>12</u> Exhibit 9, # <u>13</u> Exhibit 10, # <u>14</u> Exhibit 11, # <u>15</u> Exhibit 12, # <u>16</u> Exhibit 13, # <u>17</u> Exhibit 14, # <u>18</u> Exhibit 15).(Kopinski, Nicole) (Entered: 10/22/2020)
10/28/2020	<a href="#">108</a>	***SELECTED PARTIES*** MEMORANDUM OF LAW in Opposition re: <a href="#">97</a> MOTION for Summary Judgment of Non-Infringement. . Document filed by Carnegie Institution of Washington, M7D Corporation, Fenix Diamonds LLC. Motion or Order to File Under Seal: .(Moffa, Matthew) (Entered: 10/28/2020)
10/28/2020	<a href="#">109</a>	***SELECTED PARTIES***DECLARATION of Matthew Moffa in Opposition re: <a href="#">97</a> MOTION for Summary Judgment of Non-Infringement.. Document filed by

		Carnegie Institution of Washington, M7D Corporation, Fenix Diamonds LLC. Motion or Order to File Under Seal: .(Moffa, Matthew) (Entered: 10/28/2020)
10/28/2020	<u>110</u>	***SELECTED PARTIES***RULE 56.1 STATEMENT. Document filed by Carnegie Institution of Washington, M7D Corporation, Fenix Diamonds LLC. Motion or Order to File Under Seal: .(Moffa, Matthew) (Entered: 10/28/2020)
10/28/2020	<u>111</u>	***SELECTED PARTIES***DECLARATION of Michael Chajon in Opposition re: <u>97</u> MOTION for Summary Judgment of <i>Non-Infringement</i> .. Document filed by Carnegie Institution of Washington, M7D Corporation, Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15)Motion or Order to File Under Seal: .(Chajon, Michael) (Entered: 10/28/2020)
10/28/2020	<u>112</u>	***SELECTED PARTIES***COUNTER STATEMENT TO <u>103</u> Rule 56.1 Statement. Document filed by Carnegie Institution of Washington, M7D Corporation, Fenix Diamonds LLC. Motion or Order to File Under Seal: .(Moffa, Matthew) (Entered: 10/28/2020)
10/29/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 10/29/2020. (Kotowski, Linda) (Entered: 10/30/2020)
11/02/2020	<u>113</u>	MOTION for Paul J.Filbin to Appear Pro Hac Vice /CORRECTED Motion for Paul J. Filbin to Appear Pro Hac Vice. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Declaration of Paul J. Filbin in Support of Motion, # <u>2</u> Certificate of Good Standing, # <u>3</u> Proposed Order).(Waxman, Daniel) (Entered: 11/02/2020)
11/02/2020		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>113</u> MOTION for Paul J.Filbin to Appear Pro Hac Vice /CORRECTED Motion for Paul J. Filbin to Appear Pro Hac Vice. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (vba)</b> (Entered: 11/02/2020)
11/02/2020	<u>114</u>	MEMORANDUM OF LAW in Opposition re: <u>97</u> MOTION for Summary Judgment of <i>Non-Infringement</i> .. Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 11/02/2020)
11/02/2020	<u>115</u>	DECLARATION of Matthew Moffa in Opposition re: <u>97</u> MOTION for Summary Judgment of <i>Non-Infringement</i> .. Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 11/02/2020)
11/02/2020	<u>116</u>	RULE 56.1 STATEMENT. Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 11/02/2020)
11/02/2020	<u>117</u>	COUNTER STATEMENT TO <u>103</u> Rule 56.1 Statement. Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 11/02/2020)
11/02/2020	<u>118</u>	DECLARATION of Michael Chajon in Opposition re: <u>97</u> MOTION for Summary Judgment of <i>Non-Infringement</i> .. Document filed by Carnegie Institution of Washington, M7D Corporation. (Attachments: # <u>1</u> Exhibit 6, # <u>2</u> Exhibit 9, # <u>3</u> Exhibit 10).(Chajon, Michael) (Entered: 11/02/2020)
11/04/2020	<u>119</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>113</u> Motion for Paul J.Filbin to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 11/4/2020) (jwh) (Entered: 11/04/2020)
11/04/2020	<u>120</u>	***EX-PARTE*** REPLY MEMORANDUM OF LAW in Support re: <u>97</u> MOTION for Summary Judgment of <i>Non-Infringement</i> .. Document filed by Fenix Diamonds LLC. Motion or Order to File Under Seal: <u>96</u> .(Kopinski, Nicole) (Entered: 11/04/2020)
11/04/2020	<u>121</u>	***EX-PARTE***COUNTER STATEMENT TO <u>110</u> Rule 56.1 Statement. Document filed by Fenix Diamonds LLC. Motion or Order to File Under Seal: <u>96</u> .(Kopinski, Nicole) (Entered: 11/04/2020)

11/04/2020	<u>122</u>	***EX-PARTE***DECLARATION of Nicole Kopinski in Support re: <u>121</u> Counter Statement to Rule 56.1. Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit 16, # <u>2</u> Exhibit 17, # <u>3</u> Exhibit 18, # <u>4</u> Exhibit 19, # <u>5</u> Exhibit 20, # <u>6</u> Exhibit 21, # <u>7</u> Exhibit 22, # <u>8</u> Exhibit 23, # <u>9</u> Exhibit 24, # <u>10</u> Exhibit 25, # <u>11</u> Exhibit 26, # <u>12</u> Exhibit 27, # <u>13</u> Exhibit 28, # <u>14</u> Exhibit 29, # <u>15</u> Exhibit 30, # <u>16</u> Exhibit 31, # <u>17</u> Exhibit 32, # <u>18</u> Exhibit 33, # <u>19</u> Exhibit 34, # <u>20</u> Exhibit 35, # <u>21</u> Exhibit 36)Motion or Order to File Under Seal: <u>96</u> .(Kopinski, Nicole) (Entered: 11/04/2020)
11/05/2020	<u>123</u>	***EX-PARTE***COUNTER STATEMENT TO <u>110</u> Rule 56.1 Statement. Document filed by Fenix Diamonds LLC. Motion or Order to File Under Seal: <u>96</u> .(Kopinski, Nicole) (Entered: 11/05/2020)
11/05/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 11/5/2020. The oral argument and final pretrial conference scheduled for November 24, 2020 at 3:30 pm will occur by video or phone, and the public will be able to listen in through a dial-in, to be provided. (Kotowski, Linda) (Entered: 11/09/2020)
11/09/2020	<u>124</u>	REPLY MEMORANDUM OF LAW in Support re: <u>97</u> MOTION for Summary Judgment of Non-Infringement. Redacted for Public Docket. Document filed by Fenix Diamonds LLC..(Sklar, Steven) (Entered: 11/09/2020)
11/09/2020	<u>125</u>	<b>***STRICKEN DOCUMENT. Document number <u>125</u> has been stricken from the from the case record. The document was stricken from this case pursuant to <u>127</u> Order Striking Document from Record.</b> COUNTER STATEMENT TO <u>110</u> Rule 56.1 Statement. Document filed by Fenix Diamonds LLC..(Sklar, Steven) Modified on 11/10/2020 (kj).(Temporary restrictions as per Mike Schubert). Modified on 11/12/2020 (tro). (Entered: 11/09/2020)
11/09/2020	<u>126</u>	DECLARATION of Nicole Kopinski in Support re: <u>125</u> Counter Statement to Rule 56.1. Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit 16, # <u>2</u> Exhibit 17, # <u>3</u> Exhibit 18, # <u>4</u> Exhibit 19, # <u>5</u> Exhibit 20, # <u>6</u> Exhibit 21, # <u>7</u> Exhibit 22, # <u>8</u> Exhibit 23, # <u>9</u> Exhibit 24, # <u>10</u> Exhibit 25, # <u>11</u> Exhibit 26, # <u>12</u> Exhibit 27, # <u>13</u> Exhibit 28, # <u>14</u> Exhibit 29, # <u>15</u> Exhibit 30, # <u>16</u> Exhibit 31, # <u>17</u> Exhibit 32, # <u>18</u> Exhibit 33, # <u>19</u> Exhibit 34, # <u>20</u> Exhibit 35, # <u>21</u> Exhibit 36).(Sklar, Steven) (Entered: 11/09/2020)
11/10/2020	<u>127</u>	ORDER striking document from the record....that document <u>125</u> Counter Statement to Rule 56.1 filed by Fenix Diamonds LLC is stricken from the record. For good cause shown the Court respectfully directs the Clerk of the Court to strike the following document from the docket but retain the summary docket text for the record: ECF No. 125. The parties shall cause to be filed a corrected public redacted version of Defendant's Responses to Plaintiffs' Statement of Material Facts in Support of their Opposition to Defendant's Motion for Summary Judgment. (Signed by Judge Jed S. Rakoff on 11/10/2020) (tro) (Entered: 11/12/2020)
11/12/2020	<u>128</u>	COUNTER STATEMENT TO <u>110</u> Rule 56.1 Statement. Document filed by Fenix Diamonds LLC..(Kopinski, Nicole) (Entered: 11/12/2020)
11/23/2020		Minute Entry for proceedings held before Judge Jed S. Rakoff: Oral Argument by Zoom set for 11/24/2020 at 03:30 PM before Judge Jed S. Rakoff. In the above-captioned case, the public can access tomorrow's hearing telephonically with the following information: Call in: (415) 466-7000PIN: 4926754 # (Kotowski, Linda) (Entered: 11/23/2020)
01/08/2021		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 1/8/2021. Court's decision: By no later than Tuesday, January 12, 2021, Fenix may file on ECF a short letter identifying the portions of Mr. Limbasiya's testimony relevant to issues already briefed during summary judgment. Plaintiffs may file a response of similar length by no later than Friday, January 15, 2021. (Kotowski, Linda) (Entered: 01/10/2021)
01/12/2021	<u>129</u>	***SELECTED PARTIES*** BRIEF Defendants Letter Brief re: Mr. Limbasiyas Testimony Relevant to Motion for Summary Judgment Pursuant to Courts January 10, 2021 Order FILED UNDER SEAL. Document filed by Fenix Diamonds LLC, Carnegie Institution of Washington. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)Motion or Order to File Under Seal: <u>96</u> .(Sklar, Steven) (Entered: 01/12/2021)

01/12/2021	<u>130</u>	BRIEF Defendants Letter Brief re: Mr. Limbasiyas Testimony Relevant to Motion for Summary Judgment Pursuant to Courts January 10, 2021 Order – REDACTED. Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B).(Sklar, Steven) (Entered: 01/12/2021)
01/15/2021	<u>131</u>	***SELECTED PARTIES*** BRIEF re: <u>129</u> Brief, <i>Plaintiffs' Letter Brief in Response</i> . Document filed by Carnegie Institution of Washington, M7D Corporation, Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)Motion or Order to File Under Seal: .(Wikberg, Terrence) (Entered: 01/15/2021)
01/15/2021	<u>132</u>	BRIEF re: <u>130</u> Brief, <i>Plaintiffs' Letter Brief in Response</i> . Document filed by Carnegie Institution of Washington, M7D Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C).(Wikberg, Terrence) (Entered: 01/15/2021)
06/16/2021	<u>133</u>	OPINION AND ORDER re: <u>97</u> MOTION for Summary Judgment of <i>Non Infringement</i> . filed by Fenix Diamonds LLC. Accordingly, the Court grants summary judgment to Fenix on plaintiffs' claims relating to the '189 Patent. For the foregoing reasons, Fenix's motion for summary judgment, ECF No. 97, is granted and the Court enters judgment for Fenix dismissing all plaintiffs' claims with prejudice. Fenix's counterclaims relating to the '189 Patent are dismissed for lack of subject matter jurisdiction, except insofar as Fenix seeks attorney's fees. Fenix's counterclaims relating to the '078 Patent were not the subject of any dispositive motion and will proceed to trial. The parties are directed to jointly call Chambers by June 21, 2021 to set a date for trial on Fenix's remaining counterclaims. SO ORDERED. (Signed by Judge Jed S. Rakoff on 6/16/2021) (kv) (Entered: 06/17/2021)
06/21/2021		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 6/21/2021. (Kotowski, Linda) (Entered: 06/22/2021)
06/23/2021		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 6/23/2021, ( Jury Trial set for 12/13/2021 at 09:30 AM before Judge Jed S. Rakoff.)Briefing schedule set for motion to dismiss: initial papers due July 1; answering papers due July 15; reply due July 22. No oral argument.. (Kotowski, Linda) (Entered: 06/24/2021)
07/01/2021	<u>134</u>	MOTION to Dismiss the Counterclaim by Defendant Fenix Diamonds LLC. Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 07/01/2021)
07/01/2021	<u>135</u>	MEMORANDUM OF LAW in Support re: <u>134</u> MOTION to Dismiss the Counterclaim by Defendant Fenix Diamonds LLC. . Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 07/01/2021)
07/01/2021	<u>136</u>	DECLARATION of Matthew J. Moffa in Support re: <u>134</u> MOTION to Dismiss the Counterclaim by Defendant Fenix Diamonds LLC.. Document filed by Carnegie Institution of Washington, M7D Corporation. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4).(Moffa, Matthew) (Entered: 07/01/2021)
07/16/2021	<u>137</u>	RESPONSE in Opposition to Motion re: <u>134</u> MOTION to Dismiss the Counterclaim by Defendant Fenix Diamonds LLC. . Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Supplement – Statement Regarding Interruption in ECF Service).(Sklar, Steven) (Entered: 07/16/2021)
07/16/2021	<u>138</u>	DECLARATION of Maxwell B. Snow in Opposition re: <u>134</u> MOTION to Dismiss the Counterclaim by Defendant Fenix Diamonds LLC.. Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C).(Sklar, Steven) (Entered: 07/16/2021)
07/22/2021	<u>139</u>	REPLY MEMORANDUM OF LAW in Support re: <u>134</u> MOTION to Dismiss the Counterclaim by Defendant Fenix Diamonds LLC. . Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 07/22/2021)
07/29/2021	<u>140</u>	ORDER granting <u>134</u> Motion to Dismiss. Now before the Court is plaintiffs' motion to dismiss Fenix's counterclaim for invalidity of the asserted claims of the '078 patent. ECF No. 134. Upon due consideration, the Court grants plaintiffs' motion. The Court will issue an opinion setting forth the reasons for this ruling by no later than August 17, 2021. So Ordered. (Signed by Judge Jed S. Rakoff on 7/29/2021) (js) (Entered: 07/30/2021)

08/09/2021	<a href="#"><u>141</u></a>	OPINION: For the reasons above, the Court held by bottom-line order on July 29, 2021 that Carnegie and M7D's motion to dismiss is granted. ECF No. 140. (Signed by Judge Jed S. Rakoff on 8/7/2021) (kv) (Entered: 08/09/2021)
08/13/2021	<a href="#"><u>142</u></a>	FINAL JUDGMENT: Final judgment is hereby entered in this case, as the parties' remaining claims and counterclaims have been dismissed. See ECF Nos. 133, 140, 141. The schedule for briefing Fenix's remaining motion for attorney's fees is set as follows: opening brief to be filed by August 30, 2021, opposition brief by September 20, 2021, and reply brief by October 4, 2021. SO ORDERED. (Signed by Judge Jed S. Rakoff on 8/13/2021) (kv) (Entered: 08/13/2021)
08/13/2021		Set/Reset Deadlines: Motions due by 8/30/2021. Responses due by 9/20/2021 Replies due by 10/4/2021. (kv) (Entered: 08/13/2021)
08/24/2021	<a href="#"><u>143</u></a>	APPLICATION to Change Attorney's Name on the rolls of attorneys of the Southern District of New York from Michelle M. Umberger to Michelle M. Kemp . Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 08/24/2021)
08/24/2021	<a href="#"><u>144</u></a>	NOTICE OF APPEAL TO THE FEDERAL CIRCUIT from <a href="#"><u>142</u></a> Judgment,. Document filed by Carnegie Institution of Washington, M7D Corporation. Filing fee \$ 505.00, receipt number ANYSDC-24976961..(Moffa, Matthew) Modified on 8/25/2021 (nd). (Entered: 08/24/2021)
08/25/2021		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <a href="#"><u>144</u></a> Notice of Appeal to the Federal Circuit..(nd) (Entered: 08/25/2021)
08/25/2021		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 8/25/2021, The Court grants Carnegies application to stay any briefing on attorneys fees until after the decision on appeal. (Kotowski, Linda) (Entered: 08/26/2021)
08/26/2021	<a href="#"><u>145</u></a>	NOTICE OF DOCKETING & USCA Case Number 2021-2249 from the U.S. Court of Appeals, Federal Circuit assigned to <a href="#"><u>144</u></a> Notice of Appeal to the Federal Circuit filed by Carnegie Institution of Washington, M7D Corporation..(nd) (Entered: 08/26/2021)
09/13/2021	<a href="#"><u>146</u></a>	NOTICE OF CROSS APPEAL from <a href="#"><u>142</u></a> Judgment,. Document filed by Fenix Diamonds LLC. Filing fee \$ 505.00, receipt number ANYSDC-25055018. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit..(Sklar, Steven) (Entered: 09/13/2021)
09/14/2021		Transmission of Notice of Cross-Appeal and Certified Copy of Docket Sheet to US Court of Appeals for the Federal Circuit re: <a href="#"><u>146</u></a> Notice of Cross Appeal..(nd) (Entered: 09/14/2021)
09/15/2021	<a href="#"><u>147</u></a>	NOTICE OF DOCKETING & USCA Case Number 21-2315 from the U.S.C.A. Federal Circ. assigned to <a href="#"><u>146</u></a> Notice of Cross Appeal filed by Fenix Diamonds LLC..(nd) (Entered: 09/15/2021)
09/05/2023	<a href="#"><u>148</u></a>	ORDER of USCA Federal Circuit (Certified Copy) as to <a href="#"><u>144</u></a> Notice of Appeal to the Federal Circuit filed by Carnegie Institution of Washington, M7D Corporation, <a href="#"><u>146</u></a> Notice of Cross Appeal filed by Fenix Diamonds LLC. USCA Case Number 21-2249; 21-2315. IT IS ORDERED THAT: (1) The motion is granted to the extent that the appeals are dismissed and the mandate issued forthwith. (2) Each party shall bear its own costs for these appeals. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 9/5/2023. (tp) (Entered: 09/05/2023)
09/07/2023	<a href="#"><u>149</u></a>	NOTICE OF APPEARANCE by Anne Elise Li on behalf of Fenix Diamonds LLC..(Li, Anne) (Entered: 09/07/2023)
09/12/2023	<a href="#"><u>150</u></a>	MOTION for Laura A. Lydigsen to Appear Pro Hac Vice . <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Fenix Diamonds LLC. (Attachments: # <a href="#"><u>1</u></a> Affidavit Affidavit in support of PHV admission of Laura A. Lydigsen., # <a href="#"><u>2</u></a> Exhibit Certificate of Good Standing., # <a href="#"><u>3</u></a> Proposed Order Proposed Order.).(Lydigsen, Laura) (Entered: 09/12/2023)

09/12/2023		>>> <b>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>150</u> MOTION for Laura A. Lydigsen to Appear Pro Hac Vice. Motion and supporting papers to be reviewed by Clerk's Office staff. The document has been reviewed and there are no deficiencies. (va)</b> (Entered: 09/12/2023)
09/13/2023	<u>151</u>	PROPOSED ORDER FOR SUBSTITUTION OF ATTORNEY. Document filed by Fenix Diamonds LLC..(Li, Anne) (Entered: 09/13/2023)
09/13/2023		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 9/13/2023, without transcription or recording on September 13, 2023. Counsel for all parties was present. Plaintiffs counsel must submit their motion to withdraw by Monday, September 18, 2023 at 5 PM. Defendants opening brief on its request for attorneys fees must be filed by Thursday, September 21, 2023. The rest of the briefing schedule on the attorneys fees motion will be set at a later date.. (Kotowski, Linda) (Entered: 09/18/2023)
09/14/2023	<u>152</u>	MOTION for Wei-Chih Hsu to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-28290445. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Affidavit Affidavit in support of PHV admission of Wei Chih Hsu., # <u>2</u> Exhibit Certificate of Good Standing., # <u>3</u> Proposed Order Proposed Order.).(Hsu, Wei-Chih) (Entered: 09/14/2023)
09/15/2023		>>> <b>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>152</u> MOTION for Wei-Chih Hsu to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number ANYSDC-28290445. Motion and supporting papers to be reviewed by Clerk's Office staff. The document has been reviewed and there are no deficiencies. (va)</b> (Entered: 09/15/2023)
09/18/2023	<u>153</u>	MOTION for Perkins Coie LLP to Withdraw as Attorney for <i>Plaintiffs Carnegie Institution of Washington and M7D Corporation</i> . Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 09/18/2023)
09/18/2023	<u>154</u>	MEMORANDUM OF LAW in Support re: <u>153</u> MOTION for Perkins Coie LLP to Withdraw as Attorney for <i>Plaintiffs Carnegie Institution of Washington and M7D Corporation</i> . Document filed by Carnegie Institution of Washington, M7D Corporation..(Moffa, Matthew) (Entered: 09/18/2023)
09/20/2023	<u>155</u>	ORDER with respect to <u>153</u> Motion to Withdraw as Attorney. On September 18, 2023, plaintiffs' counsel filed a motion to withdraw under New York Rule of Professional Conduct ("RPC") 1.16(c). See ECF No. 153. However, counsel has represented that its "obligations under RPC 1.6 prevent [it] from disclosing" the basis for the withdrawal motion "absent a court order to specifically disclose that information in camera." ECF No. 154, at 2. To make an informed ruling on the motion, the Court hereby orders plaintiffs' counsel to disclose in camera the confidential information that it believes supports its motion to withdraw. Counsel shall submit such information in writing by email to chambers by no later than 5pm on September 20, 2023. SO ORDERED. (Signed by Judge Jed S. Rakoff on 9/20/2023) (tg) (Entered: 09/20/2023)
09/20/2023	<u>156</u>	ORDER granting <u>153</u> Motion to Withdraw as Attorney. On September 18, 2023, plaintiffs' counsel filed a motion to withdraw under New York Rule of Professional Conduct ("RPC") 1.16(c). See ECF No. 153. Counsel represented that its "obligations under RPC 1.6 prevent[ed] [it] from disclosing" the basis for the withdrawal motion "absent a court order to specifically disclose that information in camera." ECF No. 154, at 2. Earlier today, the Court ordered plaintiffs' counsel to disclose in camera the confidential information that it believes supports its motion to withdraw. Plaintiff's counsel submitted that information, and the Court has reviewed it. For the reasons stated in that in camera submission, the Court hereby grants the motion to withdraw. Plaintiffs must obtain new counsel by Wednesday, October 11, 2023. That new counsel, along with defense counsel, must jointly call chambers by Thursday, October 12, 2023, at 5:00pm, to schedule a conference for further proceedings. SO ORDERED. Attorney Sarah E Fowler; Matthew Joseph Moffa; Kevin Patariu; Amy Simpson; Terrence Wikberg; Michelle M (Umberger) Kemp and Michael Chajon terminated. (Signed by Judge Jed S. Rakoff on 9/20/2023) (mml) (Entered: 09/20/2023)
09/20/2023		Set/Reset Hearings: Telephone Conference set for 10/12/2023 at 05:00 PM before Judge Jed S. Rakoff. (mml) (Entered: 09/20/2023)

09/20/2023	<u>157</u>	***EX-PARTE*** BRIEF re: <u>156</u> Order on Motion to Withdraw as Attorney,,,,,/ <i>Letter Brief Re: In Camera Submission Pursuant to Court Order.</i> Document filed by Carnegie Institution of Washington, M7D Corporation.Motion or Order to File Under Seal: <u>156</u> .(Moffa, Matthew) (Entered: 09/20/2023)
09/21/2023	<u>158</u>	MOTION for Mark Herbert Remus to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-28323898. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Affidavit Declaration of Mark Remus in support of motion for pro hac vice admission., # <u>2</u> Exhibit Certificate of Good Standing., # <u>3</u> Proposed Order Proposed Order.).(Remus, Mark) (Entered: 09/21/2023)
09/21/2023		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>158</u> MOTION for Mark Herbert Remus to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-28323898. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (sgz)</b> (Entered: 09/21/2023)
09/21/2023	<u>159</u>	CONSENT ORDER GRANTING SUBSTITUTION OF ATTORNEY: Notice is hereby given that, subject to the approval of the Court, Defendant Fenix Diamonds LLC substitutes Anne Elise Herold Li of Crowell and Moring, LLP as counsel of record in place of Daniel Waxman of Bryan Cave, as well as Steven H. Sklar, David M. Airan, and Nicole E. Kopinski of Leydig, Voit & Mayer, Ltd. Ms. Li has already entered a Notice of Appearance in this case. The substitution of attorney is hereby APPROVED and so ORDERED. Attorney Daniel Philip Waxman terminated. (Signed by Judge Jed S. Rakoff on 9/21/2023) (vfr) (Entered: 09/21/2023)
09/21/2023	<u>160</u>	MOTION for Attorney Fees and Other Non-Taxable Expenses. Document filed by Fenix Diamonds LLC..(Li, Anne) (Entered: 09/21/2023)
09/21/2023	<u>161</u>	MEMORANDUM OF LAW in Support re: <u>160</u> MOTION for Attorney Fees and Other Non-Taxable Expenses.. Document filed by Fenix Diamonds LLC..(Li, Anne) (Entered: 09/21/2023)
09/21/2023	<u>162</u>	DECLARATION of Anne Elise Herold Li in Support re: <u>160</u> MOTION for Attorney Fees and Other Non-Taxable Expenses.. Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Exhibit 32, # <u>33</u> Exhibit 33).(Li, Anne) (Entered: 09/21/2023)
09/21/2023	<u>163</u>	***SELECTED PARTIES*** MEMORANDUM OF LAW in Support re: <u>160</u> MOTION for Attorney Fees and Other Non-Taxable Expenses.. Document filed by Fenix Diamonds LLC. Motion or Order to File Under Seal: <u>160</u> .(Li, Anne) (Entered: 09/21/2023)
09/21/2023	<u>164</u>	***SELECTED PARTIES***DECLARATION of Anne Elise Herold Li in Support re: <u>160</u> MOTION for Attorney Fees and Other Non-Taxable Expenses.. Document filed by Fenix Diamonds LLC. (Attachments: # <u>1</u> Exhibit 4, # <u>2</u> Exhibit 5, # <u>3</u> Exhibit 6, # <u>4</u> Exhibit 7, # <u>5</u> Exhibit 9, # <u>6</u> Exhibit 10, # <u>7</u> Exhibit 11, # <u>8</u> Exhibit 12, # <u>9</u> Exhibit 13, # <u>10</u> Exhibit 14, # <u>11</u> Exhibit 24, # <u>12</u> Exhibit 27, # <u>13</u> Exhibit 31)Motion or Order to File Under Seal: <u>160</u> .(Li, Anne) (Entered: 09/21/2023)
09/22/2023	<u>165</u>	SEALED DOCUMENT placed in vault. (nmo) (Entered: 09/22/2023)
09/26/2023	<u>166</u>	NOTICE OF APPEARANCE by Gianfranco Finizio on behalf of Carnegie Institution of Washington..(Finizio, Gianfranco) (Entered: 09/26/2023)
09/26/2023	<u>167</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> MOTION for April Elizabeth Isaacson to Appear Pro Hac Vice for Plaintiff Carnegie Institution of Washington – Pay.gov receipt \$200.00, receipt number ANYSDC-28342745. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Carnegie Institution of Washington. (Attachments: # <u>1</u> Affidavit of Isaacson ISO Mot to Appear PHV, # <u>2</u> Exhibit to Isaacson Affidavit – California Cert of Good Standing, # <u>3</u> Exhibit to Isaacson Affidavit – DC Certificate of Good Standing, # <u>4</u> Proposed

		Order ISO Isaacson Mot to Appear PHV, # <u>5</u> Supplement Pay.gov receipt \$200.00, receipt number ANYSDC-28342745).(Isaacson, April) Modified on 9/27/2023 (va). (Entered: 09/26/2023)
09/27/2023		>>> <b>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. <u>167</u> MOTION for April Elizabeth Isaacson to Appear Pro Hac Vice for Plaintiff Carnegie Institution of Washington – Pay.gov receipt \$200.00, receipt number ANYSDC-28342745.</b> Motion and supporting papers to be reviewed by Clerk's office. The filing is deficient for the following reason(s): missing Certificate of Good Standing from SUPREME COURT of California. Re-file the motion as a Motion to Appear Pro Hac Vice – attach the correct signed PDF – select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Proposed Order. (va) (Entered: 09/27/2023)
09/27/2023	<u>168</u>	MOTION for April Elizabeth Isaacson to Appear Pro Hac Vice for Plaintiff Carnegie Institution of Washington – Pay.gov receipt \$200.00, receipt number ANYSDC-28342745. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Carnegie Institution of Washington. (Attachments: # <u>1</u> Affidavit of Isaacson ISO Mot to Appear PHV, # <u>2</u> Exhibit to Isaacson Affidavit – CA Supreme Ct Cert of Good Standing, # <u>3</u> Exhibit to Isaacson Affidavit – DC Certificate of Good Standing, # <u>4</u> Proposed Order ISO Isaacson Mot to Appear PHV, # <u>5</u> Supplement – Pay.gov receipt \$200.00, receipt number ANYSDC-28342745).(Isaacson, April) (Entered: 09/27/2023)
09/27/2023		>>> <b>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>168</u> MOTION for April Elizabeth Isaacson to Appear Pro Hac Vice for Plaintiff Carnegie Institution of Washington – Pay.gov receipt \$200.00, receipt number ANYSDC-28342745.</b> Motion and supporting papers to be reviewed by Cl. The document has been reviewed and there are no deficiencies. (va) (Entered: 09/27/2023)
09/28/2023	<u>169</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>150</u> Motion for Laura A. Lydigsen to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 9/28/2023) (vfr) (Entered: 09/28/2023)
09/28/2023	<u>170</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>152</u> Motion for Wei-Chih Hsu to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 9/28/2023) (vfr) (Entered: 09/28/2023)
09/28/2023	<u>171</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>158</u> Motion for Mark H. Remus to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 9/28/2023) (vfr) (Entered: 09/28/2023)
09/28/2023	<u>172</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>168</u> Motion for April E. Isaacson to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 9/28/2023) (vfr) (Entered: 09/28/2023)

**Hsu, Wei Chih**

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**From:** do\_not\_reply@psc.uscourts.gov  
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